

REMARKS

This application has been reviewed in light of the Final Rejection mailed September 4, 2009. Reconsideration of this application in view of the below remarks is respectfully requested. Claims 1 - 16 are pending in the application with Claim 1 being in independent form.

Initially, Applicants thank the Examiner for indicating that Claims 3 - 6 contain patentably distinct subject matter and thus would be allowable if rewritten in independent form including all the limitations recited in the base claim and any intervening claims. Applicants also assume Claims 15 and 16 are allowable since no rejection of these claims is made.

I. Rejection of Claims 1 - 6 and 10 - 14 Under 35 U.S.C. § 102(b)

Claims 1 - 6 and 10 - 14 are rejected under 35 U.S.C. § 102(b) as allegedly anticipated by U.S. Publication No. 2003/0189815 (hereinafter, "Lee"). However, the rejection of Claims 3-6 herein appears to be in error since the present Office Action also identifies Claims 3 - 6 as containing allowable subject matter. Therefore, herein the present rejection is considered directed towards Claims 1, 2 and 10 - 14.

The present Office Action, pointing to FIG. 27 and 28, asserts that Lee discloses forming passages 63 directly on the panel. However, so-called passages 63 are not passages through which refrigerant circulates. Rather, these passages 63 are a first heatpipe receiving groove 62 and a second heatpipe receiving groove 84 which form a heatpipe insertion hole 63 which tightens around a heatpipe 119. (See: page 9, para. [0156]). Thus, the refrigerant circulates in the heatpipe not through the heatpipe insertion hole 63. Consequently, the structure of the disclosed assembly differs significantly from Applicants claimed first and second cooling panels.

Additionally, the present Office Action maintains that a wick, as disclosed in Lee, is anticipatory of a circulation pump recited in Applicants claims. However, as recognized by one

skilled in the art, structurally and functionally a wick and a circulation pump are quite different. A wick has no moving parts and operates without the need for any input of energy. Moreover, wicking is a phenomenon that is dependent on properties of a particular liquid based on surface tension and density. Thus, some liquids exhibit wicking, while other liquids may not.

Also, wicking is dependent on gravity and thus, the direction of the wicking relates to the force of gravity. For example, a liquid will wick perpendicular to the force of gravity (i.e. horizontally) much more readily and at a faster rate than in a direction opposite the force of gravity (i.e. upward). Consequently, wicking is inefficient and uncontrolled, resulting in uneven or unanticipated heat dissipation in an electric circuit that may experience different orientations with respect to gravity.

On the other hand, a circulation pump uses mechanical motion to induce movement in a liquid or gas. All liquids and gases can be circulated using a circulation pump at a known and generally constant rate irrespective of the orientation.

It is well-settled by the Courts that “[A]nticipation requires the presence in a single prior art reference disclosure of each and every element of the claimed invention, arranged as in the claim.” Lindemann Maschinenfabrik GMBH v. American Hoist and Derrick Company, et al., 730 F.2d 1452, 221 USPQ 481 (Fed. Cir., 1984). Consequently, it is not enough that the elements perform the same function, but rather anticipation requires that allegedly anticipatory elements have the same structure.

Therefore, as demonstrated above, because Lee does not disclose each and every element recited in the present claims, Applicants respectfully submit that the rejection has been traversed. Accordingly, Applicants respectfully request withdrawal of the rejection with respect to Claims 1, 2 and 10 – 16 under 35 U.S.C. § 102(b).

II. Rejection of Claims 7 – 9 Under 35 U.S.C. § 103(a)

Claims 7 – 9 are rejected under 35 U.S.C. § 103(a) as allegedly obvious over Lee in view of U.S. Patent No. 4,674,565 issued to Beam. Also, Claim 10 is rejected under 35 U.S.C. § 103(a) as allegedly obvious over Lee in view of U.S. Publication No. 2001/0023762 (hereinafter “Sagal”). Claims 7 – 10 depend from independent Claim 1, and thus include all the limitations recited in that independent claim.

Beam discloses a wick 22, which utilizes capillary action to effectuate fluid flow. However, as in Lee, no mention is made in Beam of a pump of any kind, as understood in the art.

A wick is both structurally and functionally different than a circulating pump, thus, as discussed above, one of ordinary skill in the art would not consider a wick to be synonymous with a circulation pump, nor consider substituting a wick as described in Beam for a circulation pump recited in Claim 7, for at least the technical reasons presented above.

Additionally, Sagal fails to overcome the deficiencies identified above in both Lee and Beam. Consequently, Beam, Sagal and Lee, taken alone or in any proper combination, fail to disclose or suggest Applicants recited circulation pump. Therefore, Claims 7 – 10 are believed to be allowable for at least the reasons discussed above with respect to Claim 1. Accordingly, Applicants respectfully request withdrawal of the rejections with respect to Claims 7 – 9 and 10 under 35 U.S.C. § 103(a) over Lee in view of Beam and/or Sagal.

CONCLUSIONS

In view of the foregoing amendments and remarks, it is respectfully submitted that all claims presently pending in the application, namely, Claims 1 – 16 are believed to be in condition for allowance and patentably distinguishable over the art of record.

If the Examiner should have any questions concerning this communication or feels that an interview would be helpful, the Examiner is requested to call Applicant's undersigned attorney at the number indicated below.

Respectfully submitted,

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